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TWO YEARS OF INDIRA GANDHI'S RULE

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ON January 14, it will be exactly two years ago Mrs. Indira Gandhi returned to power. Two factors in the main facilitated her return—the squabbling and the split in the Janata Party which led to the fall of the Morarji Desai government on July 15, 1979 and the electoral system.

The Janata's record in power in 1977 and 1978 was on the whole a creditable one at home and abroad. It became a fashion to deride it, though people judged it by stricter standards than they judged and still judge the Congress(I) regime—just as lapses on the part of democratic America are censured more severely than those on the part of Communist Russia. There was a howl of protest when the Janata rejected the Verghese Committee's report and tried to confer only a limited autonomy on AIR and Doordarshan. The protest was justified. But some of the columnists who voiced the protest then have not only kept a studied silence on Mrs. Gandhi's rejection of the very principle of autonomy but began working overtime to praise her. Consider another episode. A backbencher's revolt killed the Janata government's bill to re-introduce preventive detention. Can one imagine such a thing happening today—Congress(I) legislators overturning a government decision?

The fact is that in 1977 and 1978 the Janata government held the price line, ushered in an atmosphere of freedom, and pursued a foreign policy which won the confidence and respect of India's neighbours. Relations with the Soviet Union were cordial throughout. It was squabbles which spoilt the image. Mr. Charan Singh's budget in 1979 did the rest. As if that was not enough, his six months in power tarnished not only his image but to a large extent the Janata's too in the public mind.

The electoral system helps a cohesive party. It was a battle of Mrs. Gandhi versus the rest and they were hopelessly divided. Thanks to the split vote she captured 351 seats out of a total of 525 by securing a mere 42.56% of the votes. In 1977 Mrs. Gandhi secured about 35% of the votes. A mere 8% swing of votes made all the difference. This is the result of the single member first-past-the-post system of voting.

These results should have had a sobering effect on both sides. But they did not. Mrs. Gandhi has not been restrained by the size of her vote. She has instead been high-handed and autocratic because of the number of seats she won in the Lok Sabha. The Opposition did not close

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its ranks after the elections. It fragmented.

The last two years have witnessed a sharp decline in the respect and authority of national institutions—the judiciary, parliament and the State legislatures, the civil services, the election commission—and, indeed, in the quality of public life. Never before were there such gross scandals concerning high State functionaries which were also so well-documented. Yet they have all gone scot free—Antulay, Jagannath Mishra, Gundu Rao and Ghani Khan Chaudhary to mention a few. The myth of Indira Gandhi as an able or firm administrator has been blown sky high. Her cabinet is hopelessly divided and its members openly intrigue against their respective States' Chief Ministers. Witness the Zail Singh-Darbara Singh feud.

The Constitution is three decades old but respect for its form and spirit is sought to be undermined sedulously by the ruling party in order to instal a presidential system of government. 1982 is the year of hope. The Congress (I) hopes to get a two-thirds majority in the Rajya Sabha following the biennial elections in March. In July President Sanjiva Reddy's term expires. The way would then be open to amend the Constitution and establish a presidential form of government with Mrs. Gandhi as President and Mr. Rajiv Gandhi as Prime Minister. This is the scenario commonly talked about. He would be bold who would rule it out altogether, and incredibly naive if he accepted at face value the half-hearted denials.

For example in an interview with a foreign correspondent published on December 27, 1981, she said that Indian cannot have a "very different Constitution" from what it has at present. But Mrs. Gandhi is not incapable, as her performance in the past indicates, of increasing the President's powers enormously while retaining the facade of the parliamentary system and then claiming nothing has changed.

So added to the decline in respect for institutions and the erosion of moral values in public life is a very justified fear about the preservation of the constitutional structure. All in all our political system has reached a stage when its very survival is in question. How has such a state of things come about?

Let us go back to January 14, 1980, the day Mrs. Gandhi was sworn in as Prime Minister. She said in a broadcast: "Our country needs the healing touch. We must all unite in a common effort to solve the problems of different sections of our people. This is too stupendous a task to allow any time or scope for mutual recrimination and vindictiveness".

Exactly a week later the new Lok Sabha met. Violating precedents the Speaker was elected without consulting the Opposition and the office of the Deputy Speaker which is normally filled by a member of the Opposition was now filled by a member of Congress (I)'s ally, the DMK. As for the proceedings, Mr. V. S. Maniam, parliamentary correspondent of the "Statesman" summed them up thus on February 4: "The single impression lingering in memory as one reviews the brief first session of the Seventh Lok Sabha is of the obstreperous heckling of some of the more important opposition members by a group of young ruling

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partymen, most of them new". He specifically mentioned an instance of "the worst heckling seen in the session, Mrs. Gandhi was in her seat but did nothing to discipline her party members".

On March 26, 1980 leaders of all the opposition parties in the Lok Sabha conveyed to the Speaker, Mr. Balram Jakhar, their "strong protest" against the rejection of their adjournment motions one after another. Even motions on subjects like the Congress(I) sponsored blockade of Assam and atrocities on the Harijans were disallowed by him.

Matters came to such a pass that on June 10, the Opposition had a showdown with the ruling party on the issue of "organised barracking" of its speakers. It all arose when the Congress(I) members would not let the BJP leader, Mr. Atal Behari Vajpayee, speak at all on the burning of Harijan huts in the Kafatta village in U.P. Eventually Mrs. Gandhi gave an assurance that the "decorum and dignity of the parliamentary forum" would be maintained.

The Opposition's speakers have since been allowed to speak without the organized barracking but it is manifest that they are treated none too fairly where adjournment motions, points of order and the arrangement of the business of the house is concerned.

Even so responsible a parliamentarian as Mr. A. B. Vajpayee, a veteran of nearly a quarter century's experience, felt constrained to blame not only Mrs. Indira Gandhi but also the Speaker of the Lok Sabha, Mr. Jakhar, and the Chairman of the Rajya Sabha, Mr. M. Hidayatullah, for the "Decline of Parliament" in a recent article in the "Indian Express" under that title. Never before was confidence in the impartiality of these two presiding officers so little as it is today. Their rulings on the Antulay affair on the privilege motions against Mr. R. Venkataraman, the finance minister, and on Mr. Arun Shourie, who rightly accused the minister of telling a lie, fully support Mr. Vajpayee's criticism.

That the judiciary has been ill-treated and abused during the last two years of Mrs. Gandhi's government comes out very clearly in the judgement delivered by Mr. Justice V. D. Tulzapurkar on December 30 in the famous case of judges' transfer. It contains a specific reference to Mrs. Gandhi and her shocking remarks about judges. The judge said that the law minister's circular of March 18, 1981, was issued "at about the time when politicians and persons occupying high positions had been indulging in a campaign denigrating the higher judiciary".

He cited the instance of the "Chief Minister of a prominent State". No prizes are given for guessing his identity. The judge then said: The highest executive head at the Centre had prior to March 18, 1981, publicly stated "The former Janata government had made a lot of appointments in the judiciary on a political basis—a dilemma facing the ruling party was whether these persons appointed on political basis in judicial services should be allowed to continue and if they are continued, how can we expect justice from them? What is their credibility?"

The judge rightly criticised "the fear psychosis created by such statements". When before has a Supreme Court judge had occasion to

refer and criticise a statement by "the highest executive head at the Centre"—the Prime Minister? This remark by a Supreme Court judge alone suffices to show how Mrs. Gandhi's attitude has posed a threat to the judiciary's independence.

Implicit in Mrs. Gandhi's policies since her return to power in January 1980 is the arrogant assumption that history took a holiday between March 1977 when she quit power and January 1980 when she acquired it again. The period has to be erased from her memory. It was one long non-event. Everything done during that period by the government of the day has to be undone. Logically the thread of misrule has to be picked up from where it was left in January 1977 when she announced her decision to go to the polls. To this day, Mrs. Gandhi justifies the emergency. Things done during that period are being revived—the transfer of High Court judges, dynastic succession and the presidential form of government.

The additional High Court judges were not confirmed during the emergency—for the first time ever. They were Mr. Justice U.R. Lalit of Bombay and Mr. Justice Agarwala of Delhi. In 1981 this vicious practise was resumed. So was the proposal to transfer High Court judges. It was revived on July 24, 1980, by the law minister Mr. P. Shiv Shankar and pursued by him with greater ardour than judgement in 1981. The Supreme Court has upheld its legality in a recent judgement and suggested safeguards against abuse. Even if it be legal to transfer High Court judges there can be no question that it is unwise to do so. It demoralises the judiciary. At a time when there are pressing problems facing the government why does it consider it at all necessary to embark on this course? The reason is obvious. It wants to make the judiciary pliable to its whim by threat of transfer. There can be no question that in January 1982 the morale of the judiciary is much lower than it was in January 1980.

So much for Mrs. Gandhi's promised "healing touch" in respect of the legislature and the judiciary. In the realm of executive functions too the impact of the "healing touch" has been disastrous. A fortnight after Mrs. Gandhi took office, the CBI officer who had arrested her in October 1977 was arrested on pretexts palpably false. He was arrested on the basis of a complaint filed three years earlier. Two jeep loads of policemen came to his house early in the morning to perform the operation. The very next day a large number of CBI officers protested to the CBI's director against Mr. N. K. Singh's arrest.

A massive purge of the CBI followed. The pattern uniformly adopted was to reinstate the hatchet man of the emergency and remove all who were appointed during the Janata regime. The Union home secretary, Mr. T. C. A. Srinivasavardan, was criticised even by some Janata enthusiasts for being "soft" to Mrs. Gandhi. In fact, he was a model civil servant, scrupulously correct and cautious. Mrs. Gandhi "transferred" him which in effect meant removal.

The shabby treatment meted out to the National Police Commission is of a piece with the government's record of inept handling of the police.

Indeed, on January 7, 1981, the home minister, Mr. Zail Singh, publicly rejected the very concept of a police force free of political control. This, of course, is wholly contrary to the recommendations of the Police Commission. Only a few days earlier no less a person than the secretary general of All India Police Federation, Mr. Mahendra Singh Adil, had bitterly complained that policemen were made to obey "illegal" executive orders which were often "secret and verbal". A government which treats policemen thus can hardly hope to discipline policemen when they go off on a rampage of their own.

Mr. Dinesh Goswami, an independent member of the Rajya Sabha from Assam, is by no means a political opponent of Mrs. Gandhi. Yet, in his survey of her record published in "Hindustan Times" on January 4, 1982, he writes: "One may recall that even before she assumed office, Indira Gandhi declared that her priorities would be to tackle, first, the law and order, and second, the price rise issue. A critical look at the national horizon, however, gives rise to a sense of disillusionment on both these fronts. The weaker sections today have reason to feel more insecure than ever". So much for the promises of "a government that works."

Mr. Goswami also notes "the gradual erosion of the role of parliament in major events." He praises Mrs. Gandhi's foreign policy. It is sufficient comment on that policy that India's position on Afghanistan and on Kampuchea left her pitifully alone at the non-aligned foreign ministers' conference in Delhi in February 1981, at the Commonwealth summit in Australia later in the year and at the General Assembly in November 1981. Our credentials as a non-aligned State are suspected. This is the result of Mrs. Gandhi's pro-Soviet tilt.

Of course, the Opposition has criticised her on all these points and many more. Public opinion too has been restive. If the Opposition, nonetheless, has made little headway it is because it has not yet learnt the lesson from the collapse of the Janata experiment. Rather, it has learnt the wrong lesson—merger is futile. The right lesson is to forge programmatic unity first and on its basis establish a truly unified party consisting of the Janata, the BJP, the Lok Dal and the Congress (S). The electoral system itself requires this for their success. But will they? More likely than not, they will continue to bicker as before and allow the country to reach a stage when Mrs. Gandhi feels emboldened to take another plunge towards dictatorship.

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